

State of Delaware
Department of Natural Resources and Environmental Control
Division of Air and Waste Management
Air Quality Management Section
156 South State Street
Dover, DE 19901

Regulation No. 30 (Title V) Operating Permit
Facility I.D. Number: 1000300404
Permit Number: AQM-003/00404 (Renewal 2) DRAFT

Effective Date: May xx, 2011 Expiration Date: May xx, 2016

Pursuant to 7 **Del. C.**, Ch 60, Section 6003, 7 **DE Admin. Code** 1102, Section 2.0 and 7 **DE Admin. Code** 1130, Section 7.2, approval by the Department of Natural Resources and Environmental Control ("Department") is hereby granted to operate the emission units listed in Condition 1 of this permit subject to the terms and conditions of this permit.

This approval is granted to:

| Permittee/Owner (hereafter referred to as "Company Owner") | Operator (hereafter referred to as "Operator") |
|---|---|
| Delaware City Refining Company, LLC Delaware City Sales Terminal 4550 Wrangle Hill Road Delaware City, Delaware 19706 Responsible Official: Ed Jacoby Title: Sr. VP, Marketing & Logistics | Delaware City Refining Company, LLC |
| Facility Site Location | Facility Mailing Address |
| Delaware City Sales Terminal 4550 Wrangle Hill Road Delaware City, Delaware 19706 | Delaware City Sales Terminal 4550 Wrangle Hill Road Delaware City, Delaware 19706 |

The nature of business of the Facility is Bulk Petroleum Refining Marketing Terminal. The Standard Industrial Classification code is 5171. The North American Industry Classification System code is 324110.

Ravi Rangan, P.E. / Date
Engineer
Engineering & Compliance Branch
(302) 323-4542

Paul E. Foster, P.E. / Date
Program Manager
Engineering & Compliance Branch
(302) 323-4542

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Condition 1. Emission Unit Identification. [Reference: 7 DE Admin. Code 1130 Section 3.3 dated 11/15/93]**a. Emission Units Information.**

| Emission Unit | Emission Unit Description |
|--|--|
| Emission Unit 1 - HEADAB And Fugitive Emissions | Bottom Loading Lanes, HEADAB vapor recovery system (Emission Point 001-A) and Gasoline Rack Process Fugitives: Gasoline Loading Vapor Recovery System, Connectors, Gaskets, and other components. Loading Rack Process Fugitives: Valves, Pumps, Fittings, Open-ended Lines, Compressors, Pressure Relief Devices. |
| Emission Unit 2 - Flare | Ground Level Air Assisted Flare (Emission Point 001-B) - used as a back-up VCU during periods when the HEADAB is down. |

b. Regulation No. 2 Permit Identification.

This table identifies the underlying permits whose provisions have been incorporated into this Title V permit and specifies the reference number that will be used to identify the source of the underlying permit condition throughout this Title V permit.

| Reference Number | Full Regulation No. 2 Permit Designation |
|-------------------------------|--|
| <u>APC-88/0125(A2)</u> | <u>APC-88/0125-CONSTRUCTION/OPERATION (A2)(MACT)</u> issued October 28, 1998. Operation of a Bulk Gasoline Terminal that consists of a Vapor Recovery Unit and a Back-up Vapor Combustion Unit. |
| <u>APC-88/0125(A3)</u> | <u>APC 88/0125-CONSTRUCTION (Amendment 3) (MACT)</u> issued March 20, 2001. Operation of a Bulk Gasoline Terminal to include loading Propane and Propylene. |

Condition 2 - General Requirements**a. Certification.**

- Each document submitted to the Department/EPA as required by this permit shall be certified by a Responsible Official as to truth, accuracy, and completeness. Such certification shall be signed by a Responsible Official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." [Reference: 7 DE Admin. Code 1130 Section 5.6 dated 11/15/93 and 6.3.1 dated 12/11/00]
- Any report of deviations required under Conditions 3(c)(2)(ii) or 3(c)(2)(iii) that must be submitted to the Department within ten calendar days of discovery of the deviation, may be submitted in the first instance without a certification provided a certification meeting the requirements of Condition 2(a)(1) is submitted to the Department within ten calendar days thereafter, together with any corrected or supplemental information required concerning the deviation. [Reference: 7 DE Admin. Code 1130 Section 6.1.3.3.4 dated 12/11/00]

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3. Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses:

| | |
|---|---|
| State of Delaware – DNREC Division of Air Quality Blue Hen Corporate Center 655 S. Bay Road, Suite 5 N Dover, DE 19901 ATTN: Division Director | Section Chief United States Environmental Protection Agency Associate Director of Enforcement (3AP12) 1650 Arch Street Philadelphia, PA 19103 |
| No. of Originals: <u>1</u> & No. of Copies: <u>1</u> | No. of Copies: <u>1</u> |

b. Compliance.

1. The Owner and/or Operator shall comply with all terms and conditions of this permit. Any noncompliance with this permit constitutes a violation of the applicable requirements under the Clean Air Act, and/or 7 **DE Admin. Code** 1100, and is grounds for an enforcement action; for permit termination, revocation, and reissuance or modification; or for denial of a permit renewal. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.1 dated 12/11/00]*
2.
 - i. For applicable requirements with which the source is in compliance, the Owner and/or Operator shall continue to comply with such requirements. *[Reference: 7 DE Admin. Code 1130 Sections 5.4.8.3.1 dated 11/15/93 and 6.3.3 dated 12/11/00]*
 - ii. For applicable requirements that will become effective during the term of this permit, the Owner and/or Operator shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. *[Reference: 7 DE Admin. Code 1130 Sections 5.4.8.3.2 dated 11/15/93 and 6.3.3 dated 12/11/00]*
3. Nothing in Condition 2(b)(1) of this permit shall be construed to preclude the Owner and/or Operator from making changes consistent with Condition 2(m)(3) [Minor Permit Modifications] or Condition 4(a) [Operational Flexibility]. *[Reference: 7 DE Admin. Code 1130 Sections 6.8 dated 12/11/00 and 7.5.1.5 dated 12/11/00]*
4. The fact that it would have been necessary to halt or reduce an activity in order to maintain compliance with the terms and conditions of this permit shall not constitute a defense for the Owner and/or Operator in any enforcement action. Nothing in this permit shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.2 dated 12/11/00]*
5. The Owner and/or Operator may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency or malfunction if both the record keeping requirements in Condition 3(b)(2)(iii) and the reporting requirements in Condition 3(c)(2)(ii)(A) are satisfied. *[Reference: 7 DE Admin. Code 1130 Section 6.7.2 dated 12/11/00]*
6.
 - i. In any enforcement proceeding, the Owner and/or Operator seeking to establish the occurrence of an emergency or malfunction has the burden of proof. *[Reference: 7 DE Admin. Code 1130 Section 6.7.4 dated 12/11/00]*
 - ii. The provisions of 7 **DE Admin. Code** 1130 pertaining to Emergency/Malfunctions as defined in Conditions Nos. 2(b)(5); 2(b)(6); 3(b)(2)(iii); and 3(c)(2)(ii)(A) of this permit are in

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addition to any emergency or malfunction provision contained in any applicable requirement.
[Reference: 7 **DE Admin. Code** 1130 Section 6.7.5 dated 12/11/00]

7. Reserved.
 8. If required, the schedule of compliance in Condition 5 of this permit is supplemental to and shall not sanction noncompliance with the applicable requirements upon which it is based. [Reference: 7 **DE Admin. Code** 1130 Section 5.4.8.3.3 dated 11/15/93]
 9. Nothing in this permit shall be interpreted to preclude the use of any credible evidence to demonstrate noncompliance with any term of this permit. [Reference: 62 FR 8314 dated 2/24/97]
 10. All terms and conditions of this permit are enforceable by the Department and by the U.S. Environmental Protection Agency ("EPA") unless specifically designated as "State Enforceable Only" [Reference: 7 **DE Admin. Code** 1130 Section 6.2.1 dated 12/11/00]
- c. Confidentiality.** The Owner and/or Operator may make a claim of confidentiality for any information or records submitted to the Department. However, by submitting a permit application, the Owner and/or Operator waives any right to confidentiality as to the contents of its permit, and the permit contents will not be entitled to protection under 7 **Del. C.**, Ch 60, § 6014. [Reference: 7 **DE Admin. Code** 1130 Sections 5.1.4 dated 11/15/93, 6.1.3.3.5 dated 12/11/00, and 6.1.7.5 dated 12/11/00]
1. Confidential information shall meet the requirements of 7 **Del. C.**, Ch 60, § 6014, and 29 **Del. C.**, Ch 100. [Reference: 7 **DE Admin. Code** 1130 Section 5.1.4 dated 11/15/93]
 2. If the Owner and/or Operator submits information to the Department under a claim of confidentiality, the Owner and/or Operator shall also submit a copy of such information directly to the EPA, if the Department requests that the Owner and/or Operator do so. [Reference: 7 **DE Admin. Code** 1130 Section 5.1.4 dated 11/15/93]
- d. Construction, Installation, or Alteration.** The Owner/Operator shall not initiate construction, installation, or alteration of any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to submitting an application to the Department under Regulation No. 1102, and, when applicable, Regulation No. 1125, and receiving approval of such application from the Department; except as exempted in the State of Delaware Regulation No. 1102 Section 2.2. [Reference: 7 **DE Admin. Code** 1102 Section 2.1 dated 6/1/97 and 7 **DE Admin. Code** 1130 Section 7.2.3 dated 12/11/00]
- e. Definitions/Abbreviations.** Except as specifically provided for below, for the purposes of this permit, terms used herein shall have the same meaning accorded to them under the applicable requirements of the Clean Air Act and 7 **DE Admin. Code** 1100.
1. "Act" means the Clean Air Act, as amended by the Clean Air Act Amendments of November 15, 1990, 42 U.S.C. 7401 et seq. [Reference: 7 **DE Admin. Code** 1130 Section 2 dated 11/15/93]
 2. "AP-42" means the Compilation Of Air Pollutant Emission Factors, Fifth Edition, AP-42, dated January 15, 1995, as amended with Supplements "A" dated February 1996, "B" dated November 1996, "C" dated November 1997, "D" dated August 1998, "E" dated September 1999, and "F" dated September 2000 and the December 2001 update, the December 2002 update and the December 2003 update.
 3. "CFR" means Code of Federal Regulations.
 4. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the sources, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the

extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. *[Reference: 7 DE Admin. Code 1130 Section 6.7.1 dated 12/11/00]*

5. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or of a process to operate in a normal or usual manner, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the malfunction. A malfunction shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. *[Reference: 7 DE Admin. Code 1130 Section 6.7.1 dated 12/11/00]*
6. "Number 2 fuel oil" and "No. 2 fuel oil" means distillate oil.
7. "Reg." and "Regulation" mean the regulations covered under 7 DE Admin. Code 1100.
8. "Regulations Governing the Control of Air Pollution" means the codification of those regulations enacted by the Delaware Department of Natural Resources and Environmental Control, in accordance with 7 Del. C., Ch 60, § 6010.

f. Duty to Supplement.

1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the Owner and/or Operator shall promptly submit to the Department such supplementary facts or corrected information. *[Reference: 7 DE Admin. Code 1130 Section 5.2 dated 11/15/93]*
2. The Owner and/or Operator shall promptly submit to the Department information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to the release of a corresponding draft permit. *[Reference: 7 DE Admin. Code 1130 Section 5.2 dated 11/15/93]*
3. The Owner and/or Operator shall furnish to the Department, upon receipt of a written request and within a reasonable time specified by the Department:
 - i. Any information that the Department determines is reasonably necessary to evaluate or take final action on any permit application submitted in accordance with Condition 2(l) or 2(m) of this permit. The Owner and/or Operator may request an extension to the deadline the Department may impose on the response for such information. *[Reference: 7 DE Admin. Code 1130 Section 5.1.2.3 dated 11/15/93]*
 - ii. Any information that the Department requests to determine whether cause exists to modify, terminate, or revoke this permit, or to determine compliance with the terms and conditions of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.5 dated 12/11/00]*
 - iii. Copies of any records required to be kept by this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.5.7 dated 12/11/00]*

g. Emission Trading. No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. *[Reference: 7 DE Admin. Code 1130 Section 6.1.9 dated 12/11/00]*

h. Fees. The Owner/Operator shall pay fees to the Department consistent with the fee schedule established by the Delaware General Assembly. *[Reference: 7 DE Admin. Code 1130 Section 6.1.8 dated 12/11/00 and Section 9.0 dated 11/15/93]*

i. Inspection and Entry Requirements. Upon presentation of identification, the Owner/Operator shall allow authorized officials of the Department to perform the following:

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1. Enter upon the Owner/Operator's premises where a source is located or an emissions-related activity is conducted, or where records that must be kept under the terms and conditions of this permit are located. *[Reference: 7 DE Admin. Code 1130 Section 6.3.2.1 dated 12/11/00]*
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.3.2.2 dated 12/11/00]*
3. Inspect, at reasonable times and using reasonable safety practices, any facility, equipment (including monitoring and air pollution control equipment), practice, or operation regulated or required under this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.3.2.3 dated 12/11/00]*
4. Sample or monitor, at reasonable times, any substance or parameter for the purpose of assuring compliance with this permit or any applicable requirement. *[Reference: 7 DE Admin. Code 1130 Section 6.3.2.4 dated 12/11/00]*

j. Permit and Application Consultation. The Owner/Operator is encouraged to consult with Department personnel before submitting an application or, at any other time, concerning the operation, construction, expansion, or modification of any installation, or concerning the required pollution control devices or system, the efficiency of such devices or system, or the pollution problem related to the installation. *[Reference: 7 DE Admin. Code 1130 Section 5.1.1.7 dated 11/15/93]*

k. Permit Availability. The Owner/Operator shall have available at the facility at all times a copy of this permit and shall provide a copy of this permit to the Department upon request. *[Reference: 7 DE Admin. Code 1102 Section 8.1 dated 6/1/97]*

l. Permit Renewal. This permit expires 5 years from the date of issuance except as provided in Condition 2(l)(3) below. *[Reference: 7 DE Admin. Code 1130 Section 6.1.2 dated 12/11/00]*

1. Applications for permit renewal shall be subject to the same procedural requirements, including those for public participation, affected state comment, and EPA review, that apply to initial permit issuance under 7 DE Admin. Code 1130 Section 7.1, except that an application for permit renewal may address only those portions of the permit that the Department determines require revision, supplementing, or deletion, incorporating the remaining permit terms by Reference: from the previous permit. The Department may similarly, in issuing a draft renewal permit or proposed renewal permit, specify only those portions that will be revised, supplemented, or deleted, incorporating the remaining permit terms by Reference. *[Reference: 7 DE Admin. Code 1130 Section 7.3.1 dated 12/11/00]*
2. The Owner and/or Operator's right to operate shall cease upon the expiration date unless a timely and complete renewal application has been submitted to the Department *no later than 12 months prior to the expiration date of the permit.* *[Reference: 7 DE Admin. Code 1130 Section 7.3.2 dated 12/11/00]*
3. The Department shall review each application for completeness and shall inform the applicant within 60 days of receipt if the application is incomplete. Unless the Department requests additional information or otherwise notifies the applicant of incompleteness within 60 days of an application, an application will be deemed complete if it contains the information required by the application form and 7 DE Admin. Code 1130 Section 5.4. *[Reference: 7 DE Admin. Code 1130 Section 5.1.2.1 dated 11/15/93]*
4. If a timely and complete application for a permit renewal is submitted to the Department pursuant to 7 DE Admin. Code 1130, Section 5.1.2.4 (dated 11/15/93) and Section 7.3.1 (dated 12/11/00) and the Department, through no fault of the Owner and/or Operator, fails to take final action to issue or deny the renewal permit before the end of the term of this permit, then this permit shall not expire until the renewal permit has been issued or denied, and any

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permit shield granted for the permit shall continue in effect during that time. *[Reference: 7 DE Admin. Code 1130 Section 7.3.3 dated 12/11/00]*

m. Permit Revision and Termination.

1.
 - i. This permit may be modified, revoked, reopened, and reissued, or terminated for cause. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.3 dated 12/11/00]*
 - ii. Except as provided under Condition 2(m)(3) ["Minor Permit Modification"], the filing of a request by the Owner and/or Operator for a permit modification, revocation and reissuance, or termination, or of a modification of planned changes or anticipated noncompliance does not stay any term or condition of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.3 dated 12/11/00 and 7.5.1.5 dated 12/11/00]*
2. "Administrative Permit Amendment." When required, the Owner and/or Operator shall submit to the Department a request for an administrative permit amendment in accordance with **7 DE Admin. Code 1130 Section 7.4.** *[Reference: 7 DE Admin. Code 1130 Section 7.4 dated 12/11/00]*
3. "Minor Permit Modification." When required, the Owner and/or Operator shall submit to the Department an application for a minor permit modification in accordance with **7 DE Admin. Code 1130 Section 7.5.1 and 7.5.2.** *[Reference: 7 DE Admin. Code 1130 Section 7.5.1 dated 12/11/00 and 7.5.2 dated 12/11/00]*
 - i. For a minor permit modification, during the period of time between the time the Owner and/or Operator makes the change or changes proposed in the minor permit modification application and the time that the Department takes action on the application, the Owner and/or Operator shall comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this period the Owner and/or Operator, at its own risk, need not comply with the existing terms and conditions of this permit that it seeks to modify. *[Reference: 7 DE Admin. Code 1130 Section 7.5.1.5 dated 12/11/00 and 7.5.2.5 dated 12/11/00]*
 - ii. If the Owner and/or Operator fail to comply with its proposed permit terms and conditions during this time period, the existing terms and conditions of this permit may be enforced against the Owner and/or Operator. *[Reference: 7 DE Admin. Code 1130 Section 7.5.1.5 dated 12/11/00 and 7.5.2.5 dated 12/11/00]*
4. "Significant Permit Modification." When required, the Owner and/or Operator shall submit to the Department an application for a significant permit modification in accordance with **7 DE Admin. Code 1130 Section 7.5.3.** *[Reference: 7 DE Admin. Code 1130 Section 7.5.3 dated 12/11/00]*
5.
 - i. When the Owner and/or Operator is required to meet the requirements under Section 112(g) of the Act or to obtain a preconstruction permit under **7 DE Admin. Code 1100**, the Owner and/or Operator shall file a complete application to revise this permit within 12 months of commencing operation of the construction or modification. *[Reference: 7 DE Admin. Code 1130 Section 5.1.1.4 dated 11/15/93]*
 - ii. When the Owner and/or Operator is required to obtain a preconstruction permit, the Owner and/or Operator may submit an application to revise this permit for concurrent processing. The revision request for this permit when submitted for concurrent processing shall be submitted to the Department with the Owner and/or Operator's preconstruction review application or at such later time as the Department may allow. Where this permit would prohibit such construction or change in operation, the Owner and/or Operator shall obtain a permit revision before commencing operation. *[Reference: 7 DE Admin. Code 1102 Sections 11.2.10, 11.5 and 12.4, dated 6/11/06, and 7 DE Admin. Code 1130 Section 5.1.1.4 dated 11/15/93]*

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- iii. Where an application is not submitted for concurrent processing, the Owner and/or Operator shall obtain an operating permit under 7 **DE Admin. Code** 1100 prior to commencing operation of the construction or modification to cover the period between the date operation is commenced and until such time as operation is approved under 7 **DE Admin. Code** 1130. *[Reference: 7 DE Admin. Code 1102 Section 2.1 dated 6/11/06]*

6. "Permit Termination." The Owner and/or Operator may at any time apply for termination of this permit in accordance with 7 **DE Admin. Code** 1130 Section 7.8.4 or Section 7.8.5. *[Reference: 7 DE Admin. Code 1130 Sections 7.8.4 dated 12/11/00 and 7.8.5 dated 12/11/00]*

n. Permit Transfer.

1. A change in ownership or operational control of this facility shall be treated as an administrative permit amendment where the Department has determined that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new owner has been submitted to the Department. *[Reference: 7 DE Admin. Code 1130 Section 7.4.1.4 dated 12/11/00]*
2. In addition to any written agreement submitted by the Owner and/or Operator in accordance with Condition 2(n)(1), the Owner and/or Operator shall have on file at the Department a statement meeting the requirements of 7 **Del. C.**, Ch 79, Section 7902. *This permit condition is state enforceable only.* *[Reference: 7 Del. C., Ch 79 Section 7902 dated 8/28/2007]*
3. The written agreement required in Condition 2(n)(1) of this permit shall be provided to the Department within a minimum of 30 calendar days prior to the specific date for transfer and shall indicate that the transfer is agreeable to both the current and new owner. *[Reference: 7 DE Admin. Code 1102 Section 7.1 dated 6/1/97]*

- o. Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.4 dated 12/11/00]*

p. Risk Management Plan Submissions.

1. In the event this stationary source, as defined in the State of Delaware 7 **DE Admin. Code** 1201 "Accidental Release Prevention Regulation" Section 4.0, is subject to or becomes subject to Section 5.0 of 7 **DE Admin. Code** 1201 (as amended March 11, 2006), the owner or operator shall submit a risk management plan (RMP) to the Environmental Protection Agency's RMP Reporting Center by the date specified in Section 5.10 and required revisions as specified in Section 5.190. A certification statement shall also be submitted as mandated by Section 5.185. *[Reference: 7 DE Admin. Code 1130 Section 6.1.4 dated 12/11/00, 7 DE Admin. Code 1201 as amended March 11, 2006 and Delaware; Approval of Accidental Release Prevention Program, Federal Register Vol. 6, No. 11 pages 30818-22 dated June 8, 2001]*
2. If this stationary source, as defined in 7 **DE Admin. Code** 1201 Section 4.0, is not subject to Section 5.0 but is subject or becomes subject to Section 6.0 (as amended March 11, 2006), the owner or operator shall submit a Delaware RMP to the State of Delaware's Accidental Release Prevention group by the date as specified in Section 6.6.10 and required revisions as specified by Section 6.6.1. *Note: State enforceable only.* *[Reference: 7 DE Admin. Code 1201 as amended March 11, 2006]*

q. Protection of Stratospheric Ozone.

When applicable, this Facility shall comply with the following requirements: *[Reference: 40 CFR Part 82 "Protection of Stratospheric Ozone" revised as of 7/1/97 and 7 DE Admin. Code 1130 Section 2.0 dated 11/15/93]*

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:

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- i. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a process that uses a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
 - ii. The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - iii. The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - iv. No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
2. Any person servicing, maintaining, or repairing appliances, except for motor vehicles, shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B. In addition, Subpart F applies to refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment.
 - i. Persons owning appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to §82.154 and §82.156.
 - ii. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - iii. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - iv. Persons performing maintenance, service, repair, or disposal of appliances must certify with the Administrator pursuant to §82.158 and §82.162.
 - v. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like appliance" as defined at §82.152)
 - vi. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
3. Owners/Operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR Part 82, Subpart F §82.166.
4. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
5. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners".
 - i. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant. These systems are regulated under 40 CFR Part 82, Subpart F.

6. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed as acceptable in the Significant new New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program.
- r. **Severability.** The provisions of this permit are severable. If any part of this permit is held invalid, the application of such part to other persons or circumstances and the remainder of this permit shall not be affected thereby and shall remain valid and in effect. *[Reference: 7 DE Admin. Code 1130 Section 6.1.6 dated 12/11/00]*

Condition 3- Specific Requirements

- a. **Emission Limitations Emission Standards, Operational Limitations, and Operational Standards.** The Owner/Operator shall comply with the limitations and standards detailed in Condition 3 – Table 1 of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.1.1 dated 12/11/00]*
- b. **Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping).** The Owner/Operator shall maintain all of the information required under Conditions 3(b)(1) and 3(b)(2) of this permit for a minimum of 5 years from such information's date of record. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.2 dated 12/11/00]*
 1.
 - i. **Specific Requirements.** The Owner/Operator shall comply with the operational limitations, monitoring, testing, and record keeping requirements detailed in Condition 3 – Table 1 which are in addition to those in Condition 3(b)(2) of this permit. *[Reference: 7 DE Admin. Code 1130 Sections 6.1.1 dated 12/11/00, 6.1.3.1 dated 12/11/00, and 6.1.10 dated 12/11/00]*
 - ii. **General Testing Requirements.** Upon written request of the Department, the Owner/Operator shall, at the Owner/Operator's expense, sample the emissions of, or fuel used by, an air contaminant emission source, maintain records, and submit reports to the Department on the results of such sampling. *[Reference: 7 DE Admin. Code 1117 Section 2.2 dated 7/17/84]*
 - iii. The Department must observe all stack emission testing and monitor certification testing including any test audits conducted on the monitors as part of the Quality Assurance Program for the results to be considered for acceptance unless the Department determines in advance, in writing, that the test need not be observed. Further, the Department may in its discretion determine based on its observation of the test that it need not observe the entire test. *[Reference 7 DE Admin. Code 1117 Section 2.2, dated 7/17/84]*
 - iv. All monitor performance specification testing and stack emissions testing shall require the submission of a "Source Sampling Guidelines and Preliminary Survey Form" which must be found acceptable to the Department at least 30 days prior to the testing. *[Reference 7 DE Admin. Code 1120, Section 1.4, dated 12/7/88]*
 - v. The results of all monitor performance specification testing and stack emission testing shall be submitted to the Department, in triplicate, within 60 days after completion of the testing. *[Reference 7 DE Admin. Code 1120, Section 1.4, dated 12/7/88]*
 2. **General Record Keeping Requirements.** The Owner/Operator shall record, at a minimum, all of the following information:
 - i. If required, for each operating scenario identified in Condition 3 – Table 1 of this permit, a log that indicates the operating scenario under which each particular emission unit is operating. The Owner and/or Operator shall, contemporaneously with changing from one operating scenario to another, record in this log the time at which the operating scenario under which it is operating is changed. *[Reference: 7 DE Admin. Code 1130 Section 6.1.10 dated 12/11/00]*

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- ii. The following information to the extent specified in Condition 3 – Table 1 of this permit.
[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1 dated 12/11/00]
 - A. The date, place, and time of the sampling or measurements. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.1 dated 12/11/00]*
 - B. The dates analyses were performed. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.2 dated 12/11/00]*
 - C. The Owner and/or Operator or entity that performed the analyses. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.3 dated 12/11/00]*
 - D. The analytical techniques or methods used. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.4 dated 12/11/00]*
 - E. The results of such analyses. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.5 dated 12/11/00]*
 - F. The operating conditions as existing at the time of sampling or measurement. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.6 dated 12/11/00]*
- iii. If the Owner and/or Operator is claiming the affirmative defense of emergency or malfunction as provided in Condition 2(b)(5); a properly signed, contemporaneous operating logs, or other relevant evidence which indicates that: *[Reference: 7 DE Admin. Code 1130 Section 6.7.3 dated 12/11/00]*
 - A. An emergency or malfunction occurred and the causes of the emergency or malfunction. *[Reference: 7 DE Admin. Code 1130 Section 6.7.3.1 dated 12/11/00]*
 - B. The facility was at the time of the emergency or malfunction being operating in a prudent and professional manner and in compliance with the generally accepted industry operations and maintenance procedures. *[Reference: 7 DE Admin. Code 1130 Section 6.7.3.2 dated 12/11/00]*
 - C. During the period of the emergency or malfunction the Owner and/or Operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.7.3.3 dated 12/11/00]*
- iv. A copy of the written notice required by Condition 3(c)(2)(iii) for each change made under Condition 4(c) [Operational Flexibility] of this permit shall be maintained with a copy of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*

c. Reporting and Compliance Certification Requirements.

- 1. Specific Reporting/Certification Requirements. The Owner and/or Operator shall comply with the Reporting/Certification Requirements detailed in Condition 3 – Table 1 of this permit, which are in addition to those of Conditions 3(c)(2) and 3(c)(3) of this permit. Each report that contains any deviations from the terms of Condition 3– Table 1 shall identify the probable cause of the deviations and any corrective actions or preventative measures taken. *[Reference: 7 DE Admin. Code 1130 Sections 6.1.3.3 dated 12/11/00, 6.1.3.3.3.3 dated 12/11/00, and 6.1.3.3.3.4 dated 12/11/00]*
- 2. General Reporting Requirements.
 - i. The Owner and/or Operator shall submit to the Department a report of any required monitoring not later than the first day of August (covering the period from January 1 through June 30 of the current calendar year) and the first day of February (covering the period July 1 through December 31 of the previous calendar year) of each calendar year. Each report shall identify any deviations from the monitoring, record keeping, and reporting requirements under this permit; and the probable cause of the deviations; and any corrective actions or preventative measures taken. If no deviations have occurred, such shall be stated in the

report. [Reference: 7 **DE Admin. Code** 1130 Sections 6.1.3.3.1 dated 12/11/00, 6.1.3.3.2 dated 12/11/00, and 6.1.3.3.3.4 dated 12/11/00]

- ii. In addition to the semiannual monitoring reports required under Condition 3(c)(2)(i), the Owner and/or Operator shall submit to the Department supplemental written reports and/or notices identifying all deviations from permit conditions, probable cause of the deviations, and any corrective actions or preventative measures as follows: [Reference: 7 **DE Admin. Code** 1130 Sections 6.1.3.3.3.3 dated 12/11/00 and 6.1.3.3.3.4 dated 12/11/00]
 - A. If the Owner and/or Operator is claiming the affirmative defense of emergency or malfunction as provided in Condition 2(b)(5) of this permit, a notice of any deviation resulting from emergency or malfunction conditions shall be reported to the Department within two working days of the time when the technology-based emission limitations were exceeded. Such notice shall contain a description of the emergency or malfunction, any steps taken to mitigate emissions, and any corrective actions taken. [Reference: 7 **DE Admin. Code** 1130 Sections 6.1.3.3.3.1 dated 12/11/00 and 6.7.3.4 dated 12/11/00]
 - B. Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department immediately upon discovery and after activating the appropriate site emergency plan, in the following manner: [Reference: 7 **DE Admin. Code** 1130 Sections 6.1.3.3.3.3 dated 12/11/00 and 6.1.3.3.3.2 dated 12/11/00]
 1. Emissions that pose an imminent and substantial danger to public health, safety or the environment must be reported by calling the Department's Environmental Emergency Notification and Complaint number (800) 662-8802. [Reference: 7 **DE Admin. Code** No 1130, Section 6.1.3.3.3.2 dated 12/11/2000]
 2. Emissions in excess of any permit condition or emissions which create a condition of air pollution but do not pose an imminent and substantial danger to public health, safety or the environment must either be called in to the Environmental Emergency Notification and Complaint number (800) 662-8802 or faxed to (302) 739-2466. The ability to fax notifications to the Department may be revoked by the Department upon written notice to the Company and at the Department's sole discretion. [Reference: 7 **DE Admin. Code** No 1130, Section 6.1.3.3.3.2 dated 12/11/2000]
 - C. All emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department in a written report pursuant to Condition 3(c)(2)(1) and/or the specific reporting requirements listed in Condition 3 – Table 1 of this permit. [Reference: 7 **DE Admin. Code** 1130 Sections 6.1.3.3.3.3 dated 12/11/00 and 6.1.3.3.3.4 dated 12/11/00]
 - D. Discharges to the atmosphere in excess of any quantity specified in the 7 **DE Admin. Code** 1203 ("**Reporting of a Discharge of a Pollutant or an Air Contaminant**") shall be reported, immediately upon discovery and after activating the appropriate site emergency plan, either in person or to the Department's 24-hour Environmental Emergency Notification and Complaint line (1-800-662-8802). Discharges in compliance with this permit and excess emissions previously reported under Condition 3(c)(2)(ii)(B) of this permit are exempt from this reporting requirement. [Reference: 7 **DE Admin. Code** 1130 Section 6.1.3.3.3.5 dated 12/11/00 and 7 **DE Admin. Code** 1203]
- iii. Prior to making a change as provided in Condition 4 [**Operational Flexibility**] of this permit the Owner and/or Operator shall give written notice to the Department and EPA at least seven calendar days before the change is to be made. [Reference: 7 **DE Admin. Code** 1130 Section 6.8.1 dated 12/11/00]
 - A. The seven day period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant

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health, safety, or environmental hazard. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*

- B. If less than seven calendar days notice is provided because of a need to respond more quickly to such unanticipated conditions, the Owner and/or Operator shall provide notice to the Department and EPA as soon as possible after learning of the need to make the change, together with the reasons why advance notice could not be given. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*
 - C. The written notice shall include all of the following information: *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*
 - 1. The identification of the affected emission units and a description of the change to be made.
 - 2. The date on which the change will occur.
 - 3. Any changes in emissions.
 - 4. Any permit terms and conditions that are affected, including any new applicable requirements.
 - iv. The Owner and/or Operator shall submit to the Department an annual emissions statement in accordance with 7 **DE Admin. Code** 1117 Section 7.0 not later than April 30 of each year, or other date as established by the Department, unless an extension by the Department is granted. Such emissions statement shall cover the preceding calendar year. *[Reference: 7 DE Admin. Code 1117 Section 7.0 dated 1/11/93]*
 - v. If required, the Owner and/or Operator shall submit to the Department a progress report for applicable requirements identified in Condition 5 – Table 1 of this permit. Such reports shall be submitted not later than the first day of August (covering the period from January 1 through June 30 of the current calendar year) and the first day of February (covering the period July 1 through December 31 of the previous calendar year) of each calendar year. Each progress report shall include the following: *[Reference: 7 DE Admin. Code 1130 Sections 5.4.8 dated 11/15/93 and 6.3.4 dated 12/11/00]*
 - A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance *were achieved*. *[Reference: 7 DE Admin. Code 1130 Section 6.3.4.1 dated 12/11/00]*
 - B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. *[Reference: 7 DE Admin. Code 1130 Section 6.3.4.2 dated 12/11/00]*
 - vi. Nothing herein shall relieve the Owner and/or Operator from any reporting requirements under federal, state, or local laws. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.3.3.5 dated 12/11/00]*
3. General Compliance Certification Requirements.
- i. Compliance with terms and conditions of this permit shall be certified to the Department not later than the first day of February of each year unless the terms or conditions in Condition 3– Table 1 of this permit require compliance certifications to be submitted more frequently. Such certification shall cover the previous calendar year and shall be submitted on Form AQM-1001BB. The Compliance Certification shall include the following information: *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.1 dated 12/11/00]*
 - A. The identification of each term or condition of the permit that is the basis of the certification. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.1 dated 12/11/00]*

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- B. The Owner and/or Operator's current compliance status, as shown by monitoring data and other information reasonably available to the Owner and/or Operator. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.2 dated 12/11/00]*
 - C. Such certification shall indicate whether compliance was continuous or intermittent during the covered period. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.3 dated 12/11/00]*
 - D. The methods used for determining the compliance status of the Owner and/or Operator, currently and over the reporting period as required by the monitoring, record keeping, and reporting required under Condition 3. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.4 dated 12/11/00]*
 - E. Such other facts as the Department may require to determine the compliance status of the source. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.5 dated 12/11/00]*
- ii. Each compliance certification shall be submitted to the Department and EPA and shall be certified in accordance with Condition 2(a) of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.4 dated 12/11/00]*
 - iii. Any additional information possessed by the Owner and/or Operator that demonstrates non-compliance with any applicable requirement must also be used as the basis for compliance certifications. *[Reference: 62 FR 8314 dated 2/24/97]*

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|---|--|---|
| <p>a. <u>Emission Unit No. 1 and Fugitive Emissions</u></p> <p>1. Volatile Organic Compounds (VOCs)</p> <p>i. Emission Limitations:</p> <p>A. VOC emissions from the vapor collection and processing systems due to the loading of gasoline cargo tanks shall not exceed 10 mg/Liter of gasoline loaded. <i>[Reference APC-88/0125(A2) Cond. No. 1 and 40 CFR 63.422(b) dated 7/1/06]</i></p> <p>B. The annual VOC emissions from the loading rack and the VRU shall not exceed 68.1 tons on a rolling 12 month basis. <i>[Reference APC-88/0125(A2) Cond. No. 1]</i></p> <p>C. VOC emissions shall not exceed 1.1% measured as propane dry on a 60 minute rolling average basis. <i>[Reference APC-88/0125(A2) Cond No. 6]</i></p> <p>D. VOC emissions from the vapor collection system due to the loading of liquid product into gasoline tank trucks shall not exceed 80 mg/Liter of gasoline loaded. <i>[Reference 7 DE Admin. Code 1124 Section 25.2.9 dated 11/29/94 and 40 CFR 60.502(c) dated 7/1/05]</i></p> <p>ii. Operational Limitations:</p> <p>A. Maximum throughput of gasoline shall not exceed 693,720,000 gallons on a rolling twelve (12) month basis. The number of propane trucks loaded shall not exceed 15,000 in any twelve consecutive months and the number of propylene trucks loaded shall not exceed 7,000 in any twelve consecutive months. <i>[Reference APC-88/0125(A3) Cond No. 9]</i></p> <p>B. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding</p> | <p>Bottom Loading Lanes, HEADAB vapor recovery system; Gasoline Rack Process Fugitives; and Loading Rack Process Fugitives</p> <p>iv. Compliance Method:</p> <p>A. Compliance with Condition 3 Table 1(a)(1)(i)(A) shall be based on compliance with Condition 3 Table 1(a)(1)(i)(C). <i>[Reference APC-88/0125(A2) Condition No. 6]</i></p> <p>B. Compliance with Condition 3 Table 1(a)(1)(i)(B) shall be based on compliance with Condition 3 Table 1(a)(1)(ii)(A).</p> <p>C. Compliance with Condition 3 Table 1(a)(1)(i)(C) shall be by the CMS. <i>[Reference APC-88/0125(A2) Cond No. 5]</i></p> <p>D. Compliance with Condition 3 Table 1(a)(1)(i)(D) shall be demonstrated by compliance with Condition 3 Table 1(a)(1)(i)(A).</p> <p>E. Compliance with Condition 3 Table 1(a)(1)(iii)(A) shall be demonstrated by compliance with Condition 3 Table 1(a)(1)(i)(B).</p> <p>F. Compliance with Condition 3 Table 1(a)(1)(iii)(B) shall be demonstrated by record keeping.</p> <p>G. Compliance with Condition 3 Table 1(a)(1)(iii)(C) is based on compliance with Condition 3 Table 1(a)(1)(i) and Condition 3 Table 1(b)(2)(i).</p> <p>H. Compliance with Condition 3 Table 1(a)(1)(iii) shall be demonstrated by complying with the monitoring, testing, and record keeping requirements specified in 40 CFR 63.424. <i>[Reference 40 CFR 63.424 dated 7/1/06]</i></p> <p>I. Compliance with Condition 3 Table 1(a)(1)(iii)(E) shall be based on compliance with Condition 3 Table 1(a)(1)(iv)(H).</p> <p>J. Compliance with Condition 3 Table 1(a)(1)(ii)(A) shall be demonstrated by record keeping.</p> <p>K. Compliance with Condition 3 Table 1(a)(1)(i)(D) shall be demonstrated by compliance with Condition 3 Table 1(a)(1)(i)(A).</p> <p>v. Monitoring/Testing:</p> <p>A. VOC emissions from the VRU shall be continuously</p> | <p>vii. Reporting Requirements:</p> <p>In addition to Condition 3(c)(2) of this permit, the Company is required to report the following:</p> <p>A. All periods of operation when the average VOC concentration in the exhaust gases exceeds 1.1% as propane dry measured by CMS. <i>[Reference APC-88/0125(A2) Cond No. 11(c)]</i></p> <p>B. All product throughput and all propane/propylene loadings in excess of Condition 3 Table 1(a)(1)(ii)(A). <i>[Reference Permit APC-88/0125 Condition No. 11(c)]</i></p> <p>C. All periods when the VRU is down. <i>[Reference APC-88/0125(A2) Cond No. 11(c)]</i></p> <p>D. Semi-annual excess emission reports in accordance with 40 CFR 63.10(e)(3) <i>[Reference APC-88/0125(A2) Cond No. 11(c) and 40 CFR 63.10(e)(3) dated 7/1/06]</i></p> <p>E. Semi-annual reports for equipment in gasoline service in accordance with 40 CFR 63.428. <i>[Reference APC-88/0125(A2) Cond No. 11(c) and 40 CFR 63.428 dated 7/1/06]</i></p> <p>F. All periods when the Carbon is spent and has to be replaced. <i>[Reference 7 DE Admin. Code 1130 Section 6(a)(3)(ii)(C) dated 12/11/00]</i></p> <p>G. The Company shall submit Start-up, Shut-down, and Malfunction reports in accordance with 40 CFR 63.10(d)(5) <i>[Reference APC-88/0125(A2) Cond No. 10 and 40 CFR 63.10(d)(5) dated 7/1/06]</i></p> <p>viii. Certification Requirements:</p> <p>None in addition to Condition 3(c)(3) of this permit.</p> |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|---|--|------------------------------------|
| <p>4,500 pascals (450 mm of water) during product loading. [Reference 40 CFR 60.502(h) dated 7/1/05]</p> <p>C. No pressure-vacuum vent in the terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water). [Reference 40 CFR 60.502(i) dated 7/1/05]</p> <p>iii. Operational Standards:</p> <p>A. Each vapor collection system shall be operated in a manner to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack. [Reference 7 DE Admin. Code 1124 Section 25.2.2 dated 11/29/1994, 40 CFR 60.502(d) dated 7/1/05]</p> <p>B. Loadings of liquid product into gasoline cargo tanks shall be limited to vapor-tight gasoline cargo tanks using the procedures in 40 CFR 60.502(e) and 40 CFR 63.422(c). [Reference 7 DE Admin. Code 1124 Section 25.2.3 dated 11/29/94, 40 CFR 60.502(e) dated 7/1/05 and 40 CFR 63.422(c) dated 7/1/06]</p> <p>C. The Marketing Terminal shall not be operated unless the HEADAB or VCU (flare) are operating properly. [Reference APC-88/0125(A2) Cond No. 9]</p> <p>D. The Company shall act to assure that loadings of gasoline cargo tanks are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system. [Reference 7 DE Admin. Code 1124 Section 25.2.4 dated 11/29/94 and 40 CFR 60.502(f) dated 7/1/05]</p> <p>E. All the loading racks shall be equipped with a vapor collection system designed to collect the organic compound liquids or vapors displaced from gasoline tank trucks during product loading. [Reference 7 DE Admin. Code 1124 Section 25.1.1 dated 11/29/94, 40 CFR 60.502(a) dated 7/1/05]</p> <p>F. The Company shall act to assure that the terminal's</p> | <p>monitored by a CMS. [Reference APC-88/0125(A2) Cond No. 11(a)]</p> <p>B. Quality Assurance requirements for the VOC CMS shall be in accordance with the procedures described in 40 CFR 60 Appendix F. [Reference APC-88/0125(A2) Cond No. 7]</p> <p>C. The Company shall monitor the daily gasoline throughput in gallons. [Reference APC-88/0125(A2) Cond No. 12(a)(iii)]</p> <p>D. The certification test for gasoline cargo tanks shall be in accordance with the procedures detailed in 40 CFR 63.425(e), (f), (g) and (h). [Reference 40 CFR 63.425(e)-(h) dated 7/1/06]</p> <p>E. The Company shall implement a Start-up, Shut-down, and Malfunction Plan in accordance with 40 CFR 63.6(e)(3). [Reference APC-88/0125(A2) Cond No. 10 and 40 CFR 63.6(e)(3) dated 7/1/06]</p> <p>F. The Company shall perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline cargo tank. [Reference 7 DE Admin. Code 1124 Section 25.2.8 dated 11/29/94 and 40 CFR 63.424(a) dated 7/1/06]</p> <p>G. For leaks detected, the Company shall follow the repair schedule in accordance with 40 CFR 63.424(c) and (d). [Reference 40 CFR 63.424(c) and (d) dated 7/1/06]</p> <p>H. The Company shall operate and maintain, according to the manufacturer's specifications, the continuous monitoring system (CMS) as specified in 40 CFR 63.427(a)(1) and (4). [Reference 40 CFR 63.427(a) dated 7/1/06]</p> <p>I. The Company shall operate the vapor processing system in a manner not to exceed the operating parameter value described in 40 CFR 63.427(a)(1). [Reference 40 CFR 63.427(b) dated 7/1/06]</p> <p>vi. Record Keeping: The Company shall maintain the following records for at least 5 years:</p> <p>A. All periods of operation during which the sixty (60) minute</p> | |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|--|---|------------------------------------|
| <p>and the tank truck's vapor collection systems are connected during each loading of a gasoline cargo tank. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs. <i>[Reference 7 DE Admin. Code 1124 Section 25.2.5 dated 11/29/94, 40 CFR 60.502(g) dated 7/1/05]</i></p> <p>G. The Company shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken shall include, but are not limited to, the following: minimize gasoline spills; clean up spills as expeditiously as possible; cover all open gasoline containers with a gasketed seal when not in use; minimize gasoline sent to open waste collection systems that collect and transport gasoline reclamation and recycling devices. <i>[Reference 40 CFR 63.424(g) dated 7/1/06]</i></p> <p>H. Loading of gasoline cargo tanks shall be restricted to the use of submerged fill. <i>[Reference 7 DE Admin. Code 1124 Section 25.2.10 dated 11/29/94]</i></p> | <p>rolling average VOC concentration in the exhaust gases are greater than 1.1% propane dry. <i>[Reference APC-88/0125(A2) Cond No. 11(b)]</i></p> <p>B. A log of all operating times of the VRU. <i>[Reference APC-88/0125(A2) Cond No. 11(b)]</i></p> <p>C. Daily gasoline throughput. <i>[Reference APC-88/0125(A2) Cond No. 11(b) and Regulation No. 24 Section 25.4 dated 11/29/94]</i></p> <p>D. A log of the twelve (12) month rolling gasoline throughput in gallons and the rolling twelve month total of propane and propylene trucks loaded. <i>[Reference APC-88/0125(A2) Cond No. 11(b)]</i></p> <p>E. The Company shall keep records of the test results for each gasoline cargo tank loading at the facility as follows:</p> <ol style="list-style-type: none"> 1. Annual certification testing performed under Part 63.425(e). 2. Continuous performance testing performed at any time at the facility under Part 63.425(f), (g), and (h). 3. The documentation file shall be kept up-to-date records of each gasoline cargo tank loading at the facility. The documentation for each test shall include, as a minimum, the information required in Part 63.428(b)(3). <p><i>[Reference APC-88/0125(A2) Cond No. 11(b), 40 CFR 60.505(a) dated 7/1/05, Regulation 7 DE Admin. Code 1124 Section 25.4 dated 11/29/94 and 40 CFR 63.428(b) dated 7/1/06]</i></p> <p>F. A log book shall be used and signed by the owner or operator at the completion of each leak inspection. A section of the log shall contain a list, summary description, or diagram(s) showing location of all equipment in gasoline service at facility. <i>[Reference 40 CFR 63.424(b) dated 7/1/06]</i></p> <p>G. A record of each monthly inspection shall be kept on file at the terminal and shall include, as a minimum, the following information:</p> <ol style="list-style-type: none"> 1. The equipment type and identification number. 2. The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, smell, or sound). 3. The date the leak was detected and and date of each | |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|--|---|--|
| | <p>attempt to repair the leak.</p> <p>4. Repair methods applied in each attempt to repair the leak.</p> <p>5. "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak.</p> <p>6. The expected date of successful repair of the leak if the leak is not repaired within 15 days.</p> <p>7. The date of the successful repair of the leak. <i>[Reference 40 CFR 63.428(e) dated 7/1/06]</i></p> <p>H. The documentation file shall be kept up to date for each gasoline cargo tank loading at the facility. The documentation shall include the following <i>[Reference 7 DE Admin. Code 1124 Section 25.4 dated 11/24/94 and 40 CFR 63.428(b)(3) dated 7/1/06]</i>:</p> <p>1. The name of the test</p> <p>2. Cargo tank owner's name and address</p> <p>3. Cargo tank identification number</p> <p>4. Test location and date</p> <p>5. Tester name and signature</p> <p>6. Witnessing inspector, if any: Name, signature, and affiliation</p> <p>7. Vapor tightness repair: Nature of repair work and when performed in relation to vapor tightness testing.</p> <p>8. Test results: Pressure or vacuum change, mm of water, time period of test; number of leaks found with instrument and leak definition.</p> <p>I. The Company shall maintain records in accordance with 40 CFR 63.6(e)(3) for the Start-up, Shut-down, and Malfunction Plan. <i>[Reference 40 CFR 63.6(e)(3) dated 7/1/06]</i></p> | |
| <p>2. Visible Emissions</p> <p>i. Emission Limitations: The emissions of visible air contaminants shall not exceed twenty 20% opacity for an aggregate of more than 3 minutes in any one hour period or more than 15 minutes in any 24 hour period.</p> | <p>ii. Compliance Method: Compliance shall be demonstrated by the proper operation/maintenance of the emission units and record keeping. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3 dated 12/11/00]</i></p> <p>iii. Monitoring/Testing:</p> | <p>v. Reporting Requirements: None in addition to Condition 3(c)(2) of this permit.</p> <p>vi. Certification Requirements: None in addition to Condition 3(c)(3) of this permit.</p> |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|--|---|--|
| <p><i>[Reference 7 DE Admin. Code 14, Section 2.1, dated 7/17/84 and APC-88/0125(A2) Cond No. 13]</i></p> | <p>As appropriate, conduct visual observations at fifteen-second intervals for a period of not less than one hour except that the observations may be discontinued whenever a violation of the standard is recorded. The additional procedures, qualification and testing used for visually determining the opacity shall be those specified in Section 2 and 3 (except for Section 2.5 and the second sentence of Section 2.4) of reference Method 9 set forth in Appendix A, 40 CFR Part 60, revised July 1, 1982. <i>[Reference 7 DE Admin. Code 1120 Section 1.5.3, dated 12/7/88]</i></p> <p>iv. Record Keeping: Observation records shall be maintained on site. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3.1.2 dated 12/11/00]</i></p> | |
| <p>b. Emission Unit No. 2 - Flare</p> | | |
| <p>1. Volatile Organic Compounds</p> <p>i. Operational Limitations: The existing flare shall serve as a back-up unit during periods when the VRU is not operating. <i>[Reference APC-88/0125(A2) Cond No. 9]</i></p> | <p>ii. Compliance Method: A. The flare shall comply with the requirements of 40 CFR 63.425(a)(2). <i>[Reference 40 CFR 63.425 dated 7/1/06]</i> B. Compliance shall be demonstrated by the proper operation of the emission unit and record keeping. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3 dated 12/11/00]</i></p> <p>iii. Monitoring/Testing: A. The Company shall monitor the presence of a flame by means of a flame sensing device during all periods of operation. <i>[Reference APC-88/0125(A2) Cond No. 11(a) and 40 CFR 63.9(b)(5) dated 7/1/06]</i> B. Compliance testing of the flare shall be conducted in accordance with the requirements of §63.425. <i>[Reference 40 CFR 63.425 dated 7/1/06]</i></p> <p>iv. Record Keeping: None in addition to Condition 3(b)(1)(ii) and 3(b)(2) of this permit.</p> | <p>v. Reporting Requirements: None in addition to Condition 3(c)(2) of this permit.</p> <p>vi. Certification Requirements: None in addition to Condition 3(c)(3) of this permit.</p> |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|--|---|--|
| <p>2. Visible Emissions</p> <p>i. Emission Limitations: During periods of flare operation, the flare shall be operated with no visible emissions except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours. <i>[Reference APC-88/0125(A2) Cond No. 13 and 40 CFR 63.9(b)(4) dated 7/1/06]</i></p> | <p>ii. Compliance Method: Compliance with the emission limitation of Condition 3 Table 1 (b)(2)(i) shall be demonstrated by complying with the monitoring/testing and record keeping requirements of Condition 3 Table 1(b)(2)(iii) and Condition 3 Table 1(b)(2)(iv).</p> <p>iii. Monitoring/Testing: The Company shall conduct a visible emissions evaluation in accordance with Reference Method 22 of 40 CFR Part 60, Appendix A, when the unit is put in service and once each day thereafter every time the flare is operated in place of the HEADAB. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3.1.2 dated 12/11/00]</i></p> <p>iv. Record Keeping: In addition to the requirements of Conditions 3(b)(2) of this permit, the Company shall maintain records of all observations. <i>[Reference 7 DE Admin. Code 1130 Sections 6.1.2.1.2 and 6.2.1 dated 12/11/00]</i></p> | <p>v. Reporting Requirements: None in addition to Condition 3(c)(2) of this permit.</p> <p>vi. Certification Requirements: None in addition to Condition 3(c)(3) of this permit.</p> |
| <p>c. Facility Wide</p> | | |
| <p>1. Handling, Storage and Disposal of VOCs</p> <p>i. Work Practice Standards</p> <p>A. The Company shall not cause, allow, or permit the disposal of more than 11 pounds of a Volatile Organic Compound (VOC), or of any materials containing more than 11 pounds of any VOCs, in any 1 day, in a manner that would permit the evaporation of VOC into the ambient air. This includes but is not limited to the disposal of VOC from any VOC control devices. This provision does not apply to <i>[Reference 7 DE Admin. Code 1124 Section 8 dated 11/29/94]</i>:</p> | <p>ii. Compliance Method: Compliance shall be demonstrated by adherence to good engineering operation and work practices, and based upon record keeping for the proper operation and maintenance of the equipment covered by this permit. <i>[Reference 7 DE Admin. Code 1130 Sections 6.1.2.1.2 and 6.2.1 dated 12/11/00]</i></p> <p>iii. Monitoring/Testing: A. Daily review of preventative maintenance activities and records as they relate to break downs, equipment Vendor Specifications and Industrial Standards. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3 dated 12/11/00]</i></p> | <p>v. Reporting Requirements: That required by Conditions 2(a), 3(b), and 3(c)(2) of this permit.</p> <p>vi. Certification Requirements: None in addition to condition 3(c)(3) of this permit.</p> |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|---|--|------------------------------------|
| <p>1. Any VOC or material containing VOC emitted from a regulated entity that is subject to a VOC standard under Regulation No. 24.</p> <p>2. Any VOC or material containing VOCs used during process maintenance turnarounds for cleaning purposes, provided that the provisions of paragraph (B), (C), and (D) of this condition are followed.</p> <p>3. Waste paint (sludge) handling systems, water treatment systems, and other similar operations at coating facilities using complying coatings</p> <p>4. Coating sources that are exempt from the emission limitations of Section 10 through Section 23 of 7 DE Admin. Code 1124.</p> <p>B. No owner or operator of a facility subject to this regulation shall use open containers for the storage or disposal of cloth or paper impregnated with VOCs that are used for surface preparation, cleanup, or coating removal. Containers for the storage or disposal of cloth or paper impregnated with VOCs shall be kept closed, except when adding or removing material. <i>[Reference 7 DE Admin. Code 1124 Section 8 dated 11/29/94]</i></p> <p>C. No owner or operator of a facility subject to this regulation shall store in open containers spent or fresh VOC to be used for surface preparation, cleanup or coating removal. Containers for the storage of spent or fresh VOCs shall be kept closed, except when adding or removing material. <i>[Reference 7 DE Admin. Code 1124 Section 8 dated 11/29/94]</i></p> <p>D. No owner or operator shall use VOC for the cleanup of spray equipment unless equipment is used to collect the cleaning compounds and to minimize their evaporation to the atmosphere.</p> | <p>iv. Record Keeping: None in addition to Condition 3(b)(1)(ii) and 3(b)(2) of this permit.</p> | |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|---|---|---|
| <i>[Reference 7 DE Admin. Code 1124 Section 8 dated 11/29/94]</i> | | |
| 2. Odors - STATE ENFORCEABLE ONLY i. Emission Limitations: The Company shall not cause or allow the emission of odorous contaminants in such quantities as to interfere with any person's enjoyment of life and properties. <i>[Reference 7 DE Admin. Code 1119 Section 2.1 dated 2/1/81 and APC-88/0125(A2) Cond No. 3]</i> | ii. Compliance Method: Compliance shall be demonstrated in accordance with the Record Keeping requirements of this condition. <i>[Reference 7 DE Admin. Code 1130 Sections 6.1.2.1.2 and 6.2.1 dated 12/11/00]</i> iii. Monitoring/Testing: Including but not limited to scentometer tests, air quality monitoring, and affidavits from affected citizens and investigators. <i>[Reference 7 DE Admin. Code 1119 Section 1.2 dated 2/1/81]</i> iv. Record Keeping: Records of all monitoring/testing and citizen complaints reported to the Company shall be maintained on site. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3 dated 12/11/00]</i> | v. Reporting Requirements: That required by Conditions 2(a), 3(b)(1)(ii), and 3(c)(2) of this permit. vi. Certification Requirements: None in addition to Condition 3(c)(3). |
| 3. Operations and Maintenance i. Operational Limitations: All structural and mechanical components of the equipment covered by this shall be maintained in proper operating condition and such equipment shall be operated at all times in a manner consistent with good air pollution control practice. <i>[Reference 7 DE Admin. Code 1101 Section 3 dated 2/1/81]</i> | ii. Compliance Method: Compliance shall be demonstrated by adherence to good engineering operation and work practices, and based upon record keeping for the proper operation and maintenance of the equipment covered by this permit. <i>[Reference 7 DE Admin. Code 1130 Sections 6.1.2.1.2 and 6.2.1 dated 12/11/00]</i> iii. Monitoring/Testing: Daily review of preventative maintenance activities and records as they relate to break downs, equipment Vendor Specifications and Industrial Standards. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3 dated 12/11/00]</i> iv. Record Keeping: That required by Condition 3(b)(1)(ii) and 3(b)(2) of this | v. Reporting Requirements: That required by Conditions 2(a), 3(b)(1)(ii), and 3(c)(2) of this permit. vi. Certification Requirements: None in addition to Condition 3(c)(3). |

Condition 3 – Table 1

| Emission Limitation(s)/Standards and/or Operational Limitation(s)/Standard(s) | Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping) | Reporting/Compliance Certification |
|--|---|--|
| <p>4. Other Units that Emit VOCs: Qualified as Insignificant Emission Units Emission Points: 003, 004, 005, 006, 007, 008, 012, 013, 014, 015, 016, 017, 018, 019, 020.</p> <p>i. Operational Limitation: VOC emissions shall not exceed 25 tons/yr on a rolling twelve (12) month basis based on engineering calculations performed through the use of equations found in AP-42. <i>[Reference 7 DE Admin. Code 1124 Section 50.1 dated 11/29/94]</i></p> | <p>permit.</p> <p>ii. Compliance: Compliance with Condition 3 Table 1(c)(4)(i) shall be demonstrated by record keeping. <i>[Reference 7 DE Admin. Code 1124 Section 50.3 dated 11/29/94]</i></p> <p>iii. Monitoring: The Company shall monitor each tank's daily liquid throughput (in gallons). <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3 dated 12/11/00]</i></p> <p>iv. Record Keeping: The Company shall maintain the following records: A. The maximum true vapor pressure of the liquid stored. B. The type of liquid stored. C. The daily liquid throughput. <i>[Reference 7 DE Admin. Code 1130 Section 6.1.3 dated 12/11/00]</i></p> | <p>v. Reporting Requirements: That required by Conditions 2(a), 3(b)(1)(ii), and 3(c)(2) of this permit.</p> <p>vi. Certification Requirements: None in addition to Condition 3(c)(3).</p> |

Condition 4. Operational Flexibility.

- a. In addition to the operational flexibility specifically provided in the terms and conditions detailed in Condition 3 – Table 1 of this permit, the Owner and/or Operator is authorized to make any changes within the facility which contravenes the terms and conditions of this permit without a permit revision if the change:
 1. Is not a modification or otherwise prohibited under any provision of Title I of the Act or the State Implementation Plan (SIP); and *[Reference: 7 DE Admin. Code 1130 Section 6.8 dated 12/11/00]*
 2. Does not involve a change in any compliance schedule date; and *[Reference: 7 DE Admin. Code 1130 Section 6.8 dated 12/11/00]*
 3. Does not result in a level of emissions exceeding the emissions allowable under this permit, whether expressed herein as a rate of emissions or in terms of total emissions. *[Reference: 7 DE Admin. Code 1130 Section 6.8 dated 12/11/00]*
- b. Before making a change under the provisions of Condition 4(a) of this permit, the Owner and/or Operator shall provide advance written notice to the Department and to the EPA in accordance with Condition 3(c)(2)(iii) of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*
- c. The Owner and/or Operator shall keep records of any changes made under Condition 4 of this permit in accordance with Condition 3(b)(2)(iv) of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*

Condition 5- Compliance Schedule

This permit does not contain a compliance schedule. *[Reference: 7 DE Admin. Code 1130 Section 6.3.3 dated 12/11/00]*

Condition 6. Permit Shield.

- a. Compliance with the terms and conditions of this permit shall be deemed compliance with the applicable requirements as provided in Condition 6 – Table 1 as of the effective date of this permit. *[Reference 7 DE Admin. Code 1124 Section 6.6 dated 12/11/00]*

| Condition 6 – Table 1 | |
|-----------------------|--|
| Emission Unit | Applicable Requirement |
| 1. Emission Unit 1 | 40 CFR 60 Subpart XX Sections 60.500 through 60.506 |
| | 40 CFR 63 Subpart R Sections 63.420 through 63.429 |
| | 7 DE Admin. Code 1124 Sections 1 through 8, 25, and 50 |

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- b. The permit shield granted in Condition 6 of this permit shall not extend to any changes made pursuant to Condition 2(m)(3) [Minor Permit Modifications] or Condition 4 [Operational Flexibility] of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.6.3 dated 12/11/2000]*

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